

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Eric Allen Niewind,

Civil No. 14-4744 (DWF/HB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Michelle Smith, Chris Esty, Melissa Caffes,
Nanette Larson, Kenneth Eldridge,
Darryl Quiram, Lon Augdahl, Terry
Jorgenson, Steve Huot, Sara Hard,
Diane Dau, Marina Fuhrman, Director
Centurion Managed Care, and Dawn
LaVasseur,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Hildy Bowbeer dated May 24, 2016. (Doc. No. 75.)

No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Hildy Bowbeer's May 24, 2016 Report and Recommendation (Doc. No. [75]) is **ADOPTED**.

2. Defendants Michelle Smith, Chris Esty, Melissa Caffes, Nanette Larson, Terry Jorgenson, Steve Huot, Sara Hard, Diane Dau, Dawn LaVasseur, and Marina Fuhrman's Motion for Summary Judgment (Doc. No. [53]) is **GRANTED IN PART** and **DENIED AS MOOT IN PART**, in that:

a. Plaintiff's federal law claims are **DISMISSED WITH PREJUDICE**;

b. Plaintiff's state law claims are **DISMISSED WITHOUT PREJUDICE**; and

c. Plaintiff's request for injunctive relief is **DENIED AS MOOT**.

3. Defendants Centurion of Minnesota, Darryl Quiram, Lon Augdahl, and Kenneth Eldridge's Motion for Summary Judgment (Doc. No. [66]) is **GRANTED**, in that:

a. Plaintiff's federal law claims are **DISMISSED WITH PREJUDICE**; and

b. Plaintiff's state-law claims are **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 20, 2016

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge